Exhibit 9

CATHERINE ONEIL FISCHER vs GEICO

April 24, 2025 1–4

1	Page 1	1	Page 3
2	UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK	2	APPEARANCES:
3		3	
4	KEITH FISCHER, MICHAEL O'SULLIVAN, JOHN MOESER,	4	OUTTEN & GOLDEN LLP
7	LOUIS PIA, THOMAS BARDEN,	5	Attorneys for Plaintiffs
5	CONSTANCE MANGAN, and CHARISE	6	685 Third Avenue, 25th Floor
_	JONES, individually and on	7	New York, New York 10017
6	Behalf of all others similarly Situated,	8	BY: MICHAEL SCIMONE, ESQ.
7	·	9	ZARKA DSOUZA, ESQ.
0	Plaintiffs,	10	
8	vs. No. 23 Civ. 02848	11	DUANE MORRIS LLP
9	(GRB) (ARL)	12	Attorneys for Defendant
10	GOVERNMENT EMPLOYEES INSURANCE	13	190 South LaSalle Street, Suite 3700
11	COMPANY d/b/a GEICO,	14	Chicago, Illinois 60603
	Defendant.		
12		15	BY: GREGORY TSONIS, ESQ.
13 14		16	JUSTIN DONOHO, ESQ.,
15	VIDEOTAPED DEPOSITION OF CATHERINE O'NEIL	17	(Via videoconference)
16	New York, New York	18	
17 18	Thursday, April 24, 2025	19	ALSO PRESENT:
19		20	RICHARD MORALES - Videographer
20		21	
21 22		22	
23	Reported by:	23	
	Yaffa Kaplan	24	
24 25	JOB NO. 12744863	25	
	Page 2		Page 4
1	ŭ	1	•
2			
-	April 24, 2025	2	IT IS HEREBY STIPULATED AND AGREED,
3	April 24, 2025 9:40 a.m.	2	IT IS HEREBY STIPULATED AND AGREED, by and between counsel for the respective
3		3	by and between counsel for the respective
3	9:40 a.m.	3	by and between counsel for the respective parties hereto, that the filing, sealing and
3 4 5	9:40 a.m. Videotaped Deposition of CATHERINE	3 4 5	by and between counsel for the respective parties hereto, that the filing, sealing and certification of the within deposition shall
3 4 5 6	9:40 a.m. Videotaped Deposition of CATHERINE O'NEIL, held at the offices of Duane	3 4 5 6	by and between counsel for the respective parties hereto, that the filing, sealing and certification of the within deposition shall be and the same are hereby waived;
3 4 5 6 7 8	9:40 a.m. Videotaped Deposition of CATHERINE O'NEIL, held at the offices of Duane Morris, 1540 Broadway, New York, New York, pursuant to Notice, before Yaffa Kaplan, a	3 4 5 6 7 8	by and between counsel for the respective parties hereto, that the filing, sealing and certification of the within deposition shall be and the same are hereby waived; IT IS FURTHER STIPULATED AND AGREED that all objections, except as to the form
3 4 5 6 7 8	9:40 a.m. Videotaped Deposition of CATHERINE O'NEIL, held at the offices of Duane Morris, 1540 Broadway, New York, New York,	3 4 5 6 7 8	by and between counsel for the respective parties hereto, that the filing, sealing and certification of the within deposition shall be and the same are hereby waived; IT IS FURTHER STIPULATED AND AGREED that all objections, except as to the form of the question, shall be reserved to the
3 4 5 6 7 8 9	9:40 a.m. Videotaped Deposition of CATHERINE O'NEIL, held at the offices of Duane Morris, 1540 Broadway, New York, New York, pursuant to Notice, before Yaffa Kaplan, a	3 4 5 6 7 8 9	by and between counsel for the respective parties hereto, that the filing, sealing and certification of the within deposition shall be and the same are hereby waived; IT IS FURTHER STIPULATED AND AGREED that all objections, except as to the form of the question, shall be reserved to the time of the trial;
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C. O'Neil

Q. Do you have an understanding as to

Q. Do you have an understanding as towhether that data is available for 200 people?

4 A. I don't.

1

5 Q. As we said earlier, you haven't taken

6 the data that is available to you and run any

7 analysis on it. Right?

8 A. Right.

9 Q. Do you have any understanding of how

10 many individuals are encompassed in the spreadsheet

11 produced and Bates-labelled G010798, that you

12 reviewed prior to your deposition?

13 A. I don't remember. I know it's at least14 a handful, but not more than a dozen.

15 Q. You don't think there is more than 12

16 people's data reflected in that spreadsheet.

17 A. To be honest, I wasn't looking. I18 wasn't counting it. I wasn't doing an analysis.

19 I was looking at the type of data it

20 was. I was more interested in the columns than the

21 rows, once I understood that the rows corresponded

22 to people's monthly work.

23 Q. So you talked about what a full dataset

24 would look like for the basis of this analysis.

25 But you say in paragraph 5, that "That data,

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C. O'Neil
 together with testimony from special

3 investigators."

So I want to focus on the testimony
piece for a second. What does a full dataset of

6 testimony look like?

7 A. I mean, I think that's a lawyerly

8 question, but I would say for my -- for my

9 purposes, I just want a number.

10 Q. Well, we talked about 200 people's worth

11 of data. Do you similarly need, you know, 200

12 estimates of how much time was spent working off

13 the clock?

14 A. No.

Q. So what number of people would you need?MR. SCIMONE: Objection. Go ahead.

17 A. I mean, I could make do with one person.

18 Q. So it's your testimony that if you had

19 solely Keith Fischer's estimate and the number of

20 hours of off-of-the-clock time that he worked, you

21 could apply that to 199 other members of a putative

22 class?

23 A. I mean, I would be statistically more

24 comfortable if I had more. If I had five people or

25 ten people. As always, I want more.

C. O'Neil

I want to -- I want to be able to trust

3 that this number is true. It's a good

4 approximation.

Q. As a mathematician, you understand that

6 the sample that you use has to be reliable. Right?

A. Yes

8 Q. Do you think a sample of one would be

9 reliable?

10 A. Depends on their memory. But I mean, I

11 would prefer more than one.

12 Q. I guess I am asking a slightly different

13 question.

14 In the group of 200, as a mathematician,

15 would you feel comfortable building a model around

6 a sample of one?

17 A. You have to understand that I am not

18 doing that. Like, the overall model is using a lot

19 of data.

20 This putative model that we haven't

21 built yet, and this number that we are getting from

22 the plaintiff's testimony, is just a single

23 baseline number.

24 So I am really just looking at what

25 number -- it is an important number, I grant you

1 C. O'Neil

that. So because it's an important number, I would

3 like to have more than -- more than one person

testifying to it.

5 Q. That's what I am trying to figure out.

Is; what is the sample that's necessary for you to,

7 you know, feel comfortable, to use your word, with

8 your model and its reliability?

A. To be honest with you, I don't think

10 that's really a math question. It -- it's a

11 question of like, maybe legal precedent, like how

12 many people need to testify about how much work

3 they actually did. How many hours they actually

14 worked before that number is accepted.

15 I don't know what the legal precedent

16 for that is.

9

17

18

19

21

Q. I am not asking you to opine --

A. I will just say -- sorry.

Q. You are okay.

20 A. As a statistician, I would want to hear

a few, like three. And if they were consistent, I

22 would be, oh, this seems to be converging to

23 something consistent. If they were inconsistent, I

24 would be like, I would like to hear more.

25 Q. Sure. But as a statistician, you



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1	C. O'Neil	1			
2	in terms of the transcript turnaround time, so	2		I N D E X	
3	I think they placed an order with you.	3	WITNESS	EXAMINATION BY	PAGE
4	THE VIDEOGRAPHER: The time is 3:44 p.m.	4	Catherine O'Neil		
5	We are off the record.	5		Mr. Scimone	225
6	(Time noted: 3:44 p.m.)	6			
7	·	7	INFORMATION REQUESTS		
8	CATHERINE O'NEIL	8	DIRECTIONS: 17, 24,	56	
9		9	RULINGS:		
10	Subscribed and sworn to before me	10	TO BE FURNISHED:		
11	this day of, 2025.	11	REQUESTS:		
12		12	MOTIONS:		
13		13		EXHIBITS	
14		14	EXHIBIT		FOR ID.
15		15	Exhibit 1 Subpoena		9
16		16	Exhibit 2 Declarati	ion and curriculum v	ritae 28
17		17	Exhibit 3 Interview	v notes	98
18		18			
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1	Page 254	1			Page 256
1 2	Page 254 C. O'Neil CERTIFICATE	1 2	DEPO:	SITION ERRATA SHEET	
2	C. O'Neil CERTIFICATE	2			
	C. O'Neil CERTIFICATE		DEPO: Our Assignment No. CASE NAME: Fischer	12744863	
2 3 4	C. O'Neil CERTIFICATE STATE OF NEW YORK) : ss.	2 3 4	Our Assignment No.	12744863	
2 3 4 5	C. O'Neil CERTIFICATE STATE OF NEW YORK)	2	Our Assignment No. CASE NAME: Fischer	12744863 vs. GEICO	r C
2 3 4	C. O'Neil CERTIFICATE STATE OF NEW YORK) : ss. COUNTY OF QUEENS)	2 3 4 5	Our Assignment No. CASE NAME: Fischer DECLARATION UNI	12744863 vs. GEICO DER PENALTY OF PERO	T JURY
2 3 4 5 6 7	C. O'Neil CERTIFICATE STATE OF NEW YORK) : ss. COUNTY OF QUEENS) I, YAFFA KAPLAN, a Notary Public	2 3 4 5 6 7	Our Assignment No. CASE NAME: Fischer DECLARATION UNI I declare under	12744863 vs. GEICO DER PENALTY OF PERGER penalty of perju	TURY SURY
2 3 4 5 6 7 8	C. O'Neil C E R T I F I C A T E STATE OF NEW YORK) : ss. COUNTY OF QUEENS) I, YAFFA KAPLAN, a Notary Public within and for the State of New York, do	2 3 4 5 6 7 8	Our Assignment No. CASE NAME: Fischer DECLARATION UNI I declare under that I have read the	12744863 vs. GEICO DER PENALTY OF PERCE er penalty of perjulate entire transcrip	JURY ury ot of
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